

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

PATRICIA KAMMEYER, *et al.*,

Case No. 1:01-cv-649

Plaintiffs,

Spiegel, J.
Black, M.J.

vs.

CITY OF SHARONVILLE, *et al.*,

Defendants.

ORDER: (1) GRANTING PLAINTIFFS' MOTION FOR RECONSIDERATION (Doc. 272) OF THIS COURT'S ORDER (Doc. 268) GRANTING DEFENDANT NUSS'S SECOND MOTION TO COMPEL (Doc. 247); (2) VACATING THAT PART OF THE ORDER, ENTERED ON APRIL 11, 2005, GRANTING THE MOTION TO COMPEL (Doc. 268); AND (3) GRANTING DEFENDANT NUSS LEAVE TO FILE A REPLY TO PLAINTIFFS' MEMORANDUM IN OPPOSITION (FILED UNDER SEAL) (Doc. 264) TO DEFENDANT NUSS'S SECOND MOTION TO COMPEL (Doc. 247)

This matter is before the Court on a motion by plaintiffs for reconsideration of an Order granting defendant Nuss' second motion to compel discovery. As grounds for reconsideration, plaintiffs assert that the Court's Order was premature because it was issued before the expiration of time in which plaintiff could file a response to defendant Nuss's motion. Although the Court stated in the Order that Nuss's motion was unopposed, plaintiffs had, in fact, timely filed a memorandum in opposition under seal. (*See* doc. 264).

Accordingly, and for good cause shown, the motion for reconsideration is
GRANTED.

IT IS HEREIN ORDERED that the part of the Order entered on April 11, 2005 (doc. 268) granting defendant Nuss's second motion to compel (doc. 247) is **VACATED**. That part of the Order entered on April 11, 2005 (doc. 268) denying defendant Nuss' motion to enforce and for sanctions (doc. 248) **SHALL REMAIN IN EFFECT**.

IT IS FURTHER ORDERED that defendant Nuss **SHALL FILE** his reply to the memorandum in opposition to the second motion to compel **on or before May 23, 2005**.

IT IS SO ORDERED.

Date: 5/11/05

s/Timothy S. Black
Timothy S. Black
United States Magistrate Judge